



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q59406

Dan EMODI, et al.

Appln. No.: 09/648,532

Group Art Unit: 3661

Confirmation No.: 7780

Examiner: Cuong H. NGUYEN

Filed: August 28, 2000

For: SYSTEM AND METHOD ENABLING REMOTE ACCESS TO AND  
CUSTOMIZATION OF MULTIMEDIA

**SUBMISSION OF APPEAL BRIEF**

**MAIL STOP APPEAL BRIEF - PATENTS**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Daniel V. Williams  
Registration No. 45,221

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 17, 2006



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q59406

Dan EMODI, et al.

Appln. No.: 09/648,532

Group Art Unit: 3661

Confirmation No.: 7780

Examiner: Cuong H. NGUYEN

Filed: August 28, 2000

For: SYSTEM AND METHOD ENABLING REMOTE ACCESS TO AND  
CUSTOMIZATION OF MULTIMEDIA

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellants submit the following:

**Table of Contents**

I. REAL PARTY IN INTEREST.....	2
II. RELATED APPEALS AND INTERFERENCES .....	3
III. STATUS OF CLAIMS.....	4
IV. STATUS OF AMENDMENTS.....	5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER.....	6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .....	9
VII. ARGUMENT.....	10
CLAIMS APPENDIX .....	11
EVIDENCE APPENDIX: .....	31
RELATED PROCEEDINGS APPENDIX.....	32

05/18/2006 SZEWDIE1 00000022-096485320

01 FC:1402

5002 00 0P

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
Appln. No.: 09/648,532

Attorney Docket No.: Q59406

**I. REAL PARTY IN INTEREST**

The real party in interest in this appeal is Converse, Ltd. of Israel. The assignment was previously submitted and was recorded on December 13, 2000 at Reel 011336, Frame 0187.

**II. RELATED APPEALS AND INTERFERENCES**

U.S. Application No. 09/861,531 (filed May 22, 2001) is currently under appeal and is a continuation-in-part of the present application. An Appeal Brief for U.S. Application No. 09/861,531 is being filed under separate cover.

To the knowledge and belief of Appellants, the Assignee, and the undersigned, there are no additional appeals (besides the aforementioned appeal) or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

**III. STATUS OF CLAIMS**

Claims 1-28 and 57-61 are pending in the application. Claims 1-28 and 57-61 are rejected (see final Office Action dated May 31, 2005). Claims 1-28 and 57-61 are the claims on appeal (see Appendix).

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
Appln. No.: 09/648,532

Attorney Docket No.: Q59406

**IV. STATUS OF AMENDMENTS**

No amendments were made to the pending claims after issuance of the final Office Action dated May 31, 2005.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

An exemplary embodiment of the present invention provides a novel and unique apparatus for storing multimedia information, such that a user can access the apparatus and purchase a particular track of music or audio stored in a storage location. The apparatus may charge the user a fee for accessing the service.

The prior art has suffered due to a lack of efficiently distributing music and audio to a user such that the purchase easily can be made at any time. For example, previously, a user was forced to travel to a music store, which requires a substantial amount of time and is inconvenient for the user. Furthermore, since many music purchases are impulsive, the desire to buy music (e.g., a particular CD) often wanes before the user can find time to travel to the store. As a result, many CDs or other forms of music media that a user initially desires to purchase are never bought and therefore sales are lost. In addition, a user typically cannot listen to the contents of a CD before the purchase and in many cases the user may not like the majority of the songs on the CD, which is unfortunately not discovered until after the purchase has been made. Similarly, the prior art suffers from not providing a consumer with easy access to video.

The present invention as generally defined by independent claim 1 relates to an apparatus for storing predetermined multimedia information, which includes at least a first telephony platform. (See, e.g., page 8, lines 6-15.) The first telephony platform receives a command from a user's access device and generates a menu containing criteria options. (See, e.g., page 10, lines 14-18; page 15, lines 19-23; and page 16, lines 6-12.) The criteria options relate to at least one of a music track and a video track so that the user can make a selection. (See, e.g., page 17, lines

10-12; and page 19, lines 13-16.) A first storage location is coupled to the first telephony platform, which stores information pertaining to the music track and/or the video track. (See, e.g., page 8, lines 8-16; and page 14, lines 8-12.)

The present invention as generally defined by independent claim 59 includes a first telephony platform means for receiving a command from a user's wireless access device and for generating a menu containing criteria options. (See, e.g., page 10, lines 14-18; page 15, lines 19-23; and page 16, lines 6-12.) A non-limiting, exemplary embodiment of the first telephony platform means may be represented by the telephony messaging platform 100 represented in Figure 1. The criteria options relate to at least one of a music track and a video track so that the user can select an option pertaining to the music track and/or the video track. (See, e.g., page 17, lines 10-12; and page 19, lines 13-16.) A storage location is coupled to the first telephony platform, and stores information pertaining to the music track and/or the video track. (See, e.g., page 8, lines 8-16; and page 14, lines 8-12.)

The present invention as generally defined by independent claim 60 relates to an apparatus for storing predetermined multimedia information, including at least a first telephony platform. (See, e.g., page 8, lines 6-15.) The first telephony platform receives a purchasing command from a user initiated telephone call and generates a menu containing musical criteria options. (See, e.g., page 10, lines 14-18; page 15, lines 19-23; and page 16, lines 6-12.) The musical criteria options relate to music tracks so that a user can listen to at least a portion of a selected music track through the telephone and purchase music information corresponding to the selected music track. (See page 19, lines 7 and 8.) A first storage location is coupled to the first

telephony platform and stores information pertaining to the music track. (See, e.g., page 8, lines 8-16; and page 14, lines 8-12.)

It will be appreciated that the above-noted descriptions are given as non-limiting examples.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- Whether claims 1, 59 and 60 are anticipated by Bro (U.S. Patent 5,722,418) under 35 U.S.C. § 102(b).
- Whether claim 26 is unpatentable over Bro in view of Foladare et al. (U.S. Patent 6,343,115 [hereinafter “Foladare”]) under 35 U.S.C. § 103(a).
- Whether claims 5-7 and 12 are unpatentable over Bro, in view of Ellis (U.S. Pub. No. 2003/0188313), Foladare, Barbara (U.S. Pat. No. 5,926,789) and further in view of Aktas et al. (U.S. Patent 6,459,776 [hereafter “Aktas”]) under 35 U.S.C. § 103.
- Whether claim 14 is unpatentable over Bro, Foladare and Barbara under 35 U.S.C. § 103.
- Whether claims 21-24 are unpatentable over Bro, Ellis, Foladare and Stokes (U.S. Patent 4,870,515) under 35 U.S.C. § 103(a).

## VII. ARGUMENT

### **A. INDEPENDENT CLAIM 1 IS NOT ANTICIPATED BY BRO UNDER 35 U.S.C. § 102(B).**

Bro fails to teach or suggest each feature defined by claim 1, such that the rejection under 35 U.S.C. § 102(b) should be withdrawn. Claim 1 defines an apparatus for storing predetermined multimedia information comprising, *inter alia*,

“a first telephony platform for receiving a command from a user’s access device and for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can make a selection...”

The Examiner acknowledges that Bro does not disclose the claimed features regarding “music tracks.” (See Office Action dated May 31, 2005, page 7, lines 17-18.) Therefore, for at least this preliminary reason, it is respectfully submitted that each feature of claim 1 is not disclosed by Bro.

Turning to the remaining portion of the rejection, the Examiner asserts that Bro discloses a “telephony platform” and a “storage location coupled to said telephony platform.” (See Office Action dated, page 3, paragraphs 2 and 3.) Appellants note that the Examiner has only addressed the claimed “telephony platform” and “storage location coupled to said telephony platform.” (See *Id.*) However, a *prima facie* case of obvious requires that the applied art teach or suggest each of the claimed features. In this case, Bro does not teach or suggest at least a first telephony platform “for receiving a command from a user’s access device and for generating a menu containing criteria options relating to at least one of a music track and a video track so that the

user can make a selection.” Because the Examiner has not addressed each feature of claim 1, and because Bro does not disclose these features, claim 1 is not anticipated by Bro.

Instead, Bro discloses a method of mediating behavioral through interactive telecommunications systems, such that a physician or counselor may provide a series of motivational messages for a client to hear. An audio voice message alone does not teach a music or video track. The Examiner attempts to address Appellants’ position by asserting that “merely recording [is] a sound track.” (See, Final Office Action dated May 31, 2005, section 3, last line.) However, a sound track alone does not disclose the music track or video track recited in claim 1. In particular, the voice recording in Bro does not teach or suggest a first telephony platform for receiving a command from a user’s access device and for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can make a selection, as recited in claim 1. For example, one would not be taught *criteria options relating to at least one of a music track and a video track*, based on the mere disclosure of a voice recording, such that the rejection should be withdrawn.

The Examiner contends that Bro discloses “multimedia information [that] comprises voice/music information.” (See Office Action dated May 31, 2005, page 7, lines 11-12.) However, the section of Bro cited by the Examiner (i.e., col. 54, lines 8-34) does not teach or suggest the claimed first telephony platform for receiving a command from a user’s access device and for generating a *menu containing criteria options relating to at least one of a music track and a video track so that the user can make a selection*. Instead, Bro discloses that music may be included to “provide visual imagery with greater emotional impact.” (See Bro, col. 54,

lines 28-30.) However, the embodiment of Bro that discloses the use of music to provide the visual imagery, does not disclose a menu containing criteria options relating to the alleged “music” of Bro so that a user can make a selection. This particular embodiment of Bro does not even mention a menu nor the particular criteria options recited in claim 1.

Therefore, for at least the above-noted reasons, Appellants submit that the features of claim 1 are not taught or suggested by Bro.

**B. CLAIM 5 IS PATENTABLE OVER THE COMBINATION OF BRO, ELLIS, FOLADARE, BARBARA AND FURTHER IN VIEW OF AKTAS UNDER 35 U.S.C. § 103.**

The Examiner acknowledges that Bro, Ellis and Foladare, do not explicitly disclose a first mailbox and a second mailbox. As an initial matter, Appellants respectfully point out that the alleged motivation for combining the five references is to “to generate an apparatus having a navigation menu and different mailboxes because this would give flexible selections for a user, and also a capability of comfortable (sic.) navigating a menu to a user for a selection.” (See Office Action dated May 31, 2005, page 8, Section 8.) However, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (See *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).) It is respectfully submitted that the Examiner's proposed combination is strained due to the references not disclosing that “different mailboxes,” would be pertinent to a device such as Bro, nor do the references disclose a desirability of adding such “different mailboxes” to an application as in Bro.

Moreover, claim 5 recites that “said at least said first telephony platform determines that said user desires to access said first music track stored in said first mailbox based on said menu navigational input.” The Examiner has not addressed this feature. Appellants submit that “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (See MPEP §2143.03.) Neither of the references teaches or suggests a first telephony platform which determines that said user *desires to access said first music track* stored in said *first mailbox* based on a menu navigational input. Bro discloses a way for a user to access therapeutically messages via a phone. However, Bro does not disclose input to a menu such that the first telephony platform determines that said user desires to access a first music track based on navigational inputs. Accordingly, it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. § 103(a), should be withdrawn.

**C. CLAIM 6 IS PATENTABLE OVER BRO, IN VIEW OF ELLIS, FOLADARE, BARBARA AND FURTHER IN VIEW OF AKTAS UNDER 35 U.S.C. § 103.**

The Examiner acknowledges that the applied art does not teach or suggest the features of claim 6. (See Office Action dated May 31, 2005, page 9, lines 3-6.) Claim 6 recites:

“said menu navigational inputs comprise at least one input from the group of artist name of said first music track, album name containing said first music track, and type of music of said first music track.”

It is improper for the Examiner to acknowledge that the claimed features are not provided by the art and then merely dismiss such features. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” (See, MPEP §2143.03). The recited features of claim 6 further define the invention and form meaningful aspects of the claim that

must be considered. Due to the references failing to disclose such claimed features (as acknowledged by the Examiner), Appellants respectfully submit that the applied art fails to teach or suggest each feature found in claim 6.

**D. CLAIM 7 IS PATENTABLE OVER BRO, IN VIEW OF ELLIS, FOLADARE, BARBARA AND FURTHER IN VIEW OF AKTAS ET AL. (U.S. PATENT 6,459,776) UNDER 35 U.S.C. § 103.**

Claim 7 recites that “said first music track and said second music track correspond to music tracks on said album.” The Examiner acknowledges that the applied art fails to teach or suggest the features of claim 7 regarding said music track and said album. (See Office Action dated May 31, 2005, page 10, lines 1-3.) These features further define the invention and must be given weight. Due to the applied art failing to teach or suggest such features, Appellants respectfully submit that claim 7 is patentable over the applied art.

**E. CLAIM 12 IS PATENTABLE OVER BRO, IN VIEW OF ELLIS, FOLADARE, BARBARA AND FURTHER IN VIEW OF AKTAS ET AL. (U.S. PATENT 6,459,776) UNDER 35 U.S.C. § 103.**

The Examiner acknowledges that the applied art does not disclose the features of claim 12 regarding a purchasing command, wherein the purchasing command instructs the telephony platform to have a copy of said album mailed to a postal address of the user (See page 10, Section 10 of the May 31, 2005 Office Action.) Appellants respectfully submit that these features are integral aspects of claim 12, which cannot merely be ignored. It is respectfully submitted that it is improper for the Examiner to merely disregard features which cannot be

found in the art. Accordingly, Appellants submit that the features of claim 12 are not taught or suggested by the art, such that the rejection under 35 U.S.C. § 103(a) should be withdrawn.

**F. CLAIM 14 IS PATENTABLE OVER BRO, FOLADARE AND BARBARA**

**UNDER 35 U.S.C. § 103.**

The features of claim 14 are not taught or suggested by the applied art. Claim 14 recites:

“The apparatus as claimed in claim 4, wherein said at least one multimedia command comprises a save command,  
wherein said first music track corresponds to said selected multimedia portion,  
wherein, after selecting said first music track, said user saves first data corresponding to said first music track in a user memory portion coupled to said at least said first telephony platform by inputting said save command, and  
wherein said user memory portion is assigned to said user.”

Claim 14 further defines the apparatus of claim 4 by requiring that the at least one multimedia command (corresponding to the previously recited “command” of claim 1) comprises a save command. The Examiner asserts that a “save command” would be obvious because the cited apparatuses “are capable” to perform a save command. Appellants respectfully submit that a fundamental flaw of this rejection<sup>1</sup> is the allegation that the art is “capable” of providing the claimed features. It is well established that although a prior art device “may be capable of being modified...the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” (Emphasis added.) (See, MPEP §2143.01). There is no

---

<sup>1</sup> Multiple other rejection in the Final Office Action also improperly attempt to supplement the references’ deficient teachings by asserting that the art is “capable” of providing the claimed features. For example, see page 6, lines 10-12; and page 15, lines 5-7 of the May 31, 2005 Office Action.

teaching or suggestion to provide the features of claim 14 regarding at least the recited “save command” aspects. Therefore, Appellants respectfully submit that the applied art fails to teach or suggest each feature of claim 14, such that the rejection thereof should be withdrawn.

**G. CLAIM 21 IS PATENTABLE OVER BRO, ELLIS, FOLADARE AND STOKES**  
**(U.S. PATENT 4,870,515) UNDER 35 U.S.C. § 103(A).**

Claim 21 further defines that “said at least said first telephony platform forwards said selected multimedia portion to a second access device of a second user in response to said forwarding command.” The Examiner acknowledges that Bro, Ellis and Foladare fail to disclose this feature. (See Office Action dated May 21, 2005, page 14, Section 14.) The Examiner therefore relies on Stokes for teaching to forward through various music tracks, such as in a traditional cassette player. However, the bare disclosure in Stokes of forwarding through music tracks in a tape player would not have taught or suggested the features of claim 21 regarding the first telephony platform that forwards the selected multimedia portion to *a second access device of a user in response to the forwarding command*. The fast forward aspect of Stokes is clearly different than the forwarding command of claim 21, as will be readily apparent upon reading the claim. The features of claim 21 do not merely forward through a track, but instead forward a selected multimedia portion to a second access device of a user. Accordingly, it is respectfully submitted that the combined references fail to teach or suggest the features of claim 21.

**H. CLAIM 23 IS PATENTABLE OVER BRO, ELLIS, FOLADARE AND STOKES  
UNDER 35 U.S.C. § 103(A).**

Claim 23 is submitted to be patentable over the applied art for reasons similar to those set forth in regard to claim 21 above. In particular, claim 23 recites:

“said at least said first telephony platform forwards said selected multimedia portion to a storage location corresponding to a second access device of a second user in response to said forwarding command.”

The application of the music player in Stokes, clearly would not have taught nor suggested the forwarding of selected multimedia to a storage location corresponding to a second access device of a second user, as recited in claim 23. Accordingly, it is respectfully submitted that the applied art fails to teach or suggest the features of claim 23.

**I. CLAIM 24 IS PATENTABLE OVER BRO, ELLIS, FOLADARE AND STOKES  
UNDER 35 U.S.C. § 103(A).**

The features of claim 24 are neither taught nor suggested by Bro, Ellis, Foladare and Stokes. Claim 24 further defines a distribution list and recites that “said second user is part of a distribution list of a plurality of recipient users.” Claim 24 depends from claim 23.

The Examiner acknowledges the references’ failure to disclose the claimed features and asserts that the features are those which “Foladare and Stokes would be able to perform.” (See Office Action dated May 31, 2005, page 15, last line of section C.) Appellants respectfully submit that the applied art does not teach or suggest the desirability of providing the claimed distribution list, nor would one have been taught or suggested this feature in view of the art. For example, Bro is directed to providing motivational messages for mediating social behavior. As

one skilled in the art would appreciate, a patient who requires therapeutic messages as described in Bro would presumably not want the messages forwarded to other people. Therefore, it is respectfully submitted that the art does not teach or suggest the claimed features, in addition, there is no motivation to provide such features.

**J. CLAIM 26 IS PATENTABLE OVER BRO IN VIEW OF FOLADARE UNDER 35**  
**U.S.C. § 103.**

The features of claim 26 are not disclosed by Bro in view of Foladare.  
Claim 26 recites:

“said at least said first telephony platform connects said access device to said user with access devices of other users who are interested in topics relating to said selected multimedia portion so that said user and said other users can communicate in a multiple user session.”

The applied art fails to make obvious these features and fails to provide any teaching that would have motivated one to modify Bro to include this feature. As previously emphasized, “all features of a claim must be considered in judging the patentability of the claim against the prior art.” (See, MPEP §2143.03.) The Examiner recognizes that the art does not disclose the claimed features and therefore alleges that the prior art “is capable of performing the claimed function.” (See page 6, Section D of the May 31, 2005 Office Action.) First, there is no teaching or suggestion found in Bro which would lead one to believe that Bro is capable of providing the claimed features. Moreover, it is well established that although a prior art device “may be capable of being modified...the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” (Emphasis added.) (See, MPEP §2143.01.) Appellants respectfully submit that there is no motivation to provide either Bro or Foladare with the features of claim 26, such that the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn.

**K. INDEPENDENT CLAIM 59 IS NOT ANTICIPATED BY BRO UNDER 35 U.S.C. § 102(B).**

Bro fails to teach or suggest each feature defined by claim 59. Claim 59 defines an apparatus for storing predetermined multimedia information comprising, *inter alia*,

“first telephony platform means for receiving a command from a user’s wireless access device for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can select an option pertaining to said at least one of a music track and a video track...”

Similar, to claim 1, the Examiner has only addressed the claimed “telephony platform” and “storage location coupled to said telephony platform.” A *prima facie* case of obvious requires that the applied art teaches or suggests each of the claimed features. Bro does not teach or suggest at least a “first telephony platform means for receiving a command from a user’s wireless access device and *for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can select an option pertaining to said at least one of a music track and a video track.*”

Bro’s method of mediating behavioral by providing motivational messages, does not disclose the specific first telephony platform features of claim 59. For example, one would not be taught criteria options *relating to at least one of a music track and a video track*, based on the mere disclosure of a voice recording. Therefore, the features of claim 59 are not disclosed by Bro.

**L. INDEPENDENT CLAIM 60 IS NOT ANTICIPATED BY BRO UNDER 35 U.S.C. § 102(B):**

Bro fails to teach or suggest each feature defined by claim 60. Claim 60 defines an apparatus for storing predetermined multimedia information comprising, *inter alia*:

“a first telephony platform for receiving a purchasing command from a user initiated telephone call and for generating a menu containing musical criteria options relating to music tracks so that a user can listen to at least a portion of a selected music track through the telephone and purchase music information corresponding to the selected music track...”

Similar to the rejection of claims 1 and 59, Bro does not disclose the particular aspects of claim 60. Bro does not disclose the claimed music tracks nor the first telephony platform for receiving a purchasing command from a user initiated telephone call and for generating a menu containing musical criteria options relating to music tracks. The only music provided in Bro is that used to “provide visual imagery with greater emotional impact.” *See*, Bro, col. 54, lines 28-30. However, such background music does not disclose the claimed features regarding the specifically recited music tracks, nor the claimed relationship between the music tracks and the menu. The Examiner even acknowledges that Bro does not teach “music tracks.” (See Office Action dated May 31, 2005, page 7, lines 17-18.) Therefore, Bro does not disclose the features of claim 60.

**XIII. CONCLUSION**

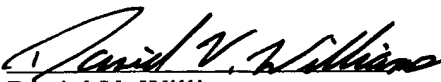
Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
Appln. No.: 09/648,532

Attorney Docket No.: Q59406

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Daniel V. Williams  
Registration No. 45,221

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 17, 2006

**CLAIMS APPENDIX**

CLAIMS 1-28 and 57-61 ON APPEAL:

1. An apparatus for storing predetermined multimedia information, comprising:  
  
at least a first telephony platform for receiving a command from a user's access device and for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can make a selection; and  
  
a first storage location coupled to said at least said first telephony platform, wherein said first storage location stores at least a part of said predetermined multimedia information, said predetermined multimedia information corresponding to said at least one of a music track and a video track.
  
2. The apparatus as claimed in claim 1, further comprising:  
  
a second storage location coupled to said at least said first telephony platform,  
  
wherein said first storage location and said second storage location store said at least said part of said predetermined multimedia information,  
  
wherein a first multimedia portion of said predetermined multimedia information is stored in said first storage location and a second multimedia portion of said predetermined multimedia information is stored in said second storage location,  
  
wherein said at least said first telephony platform selectively reproduces one of said first multimedia portion and said second multimedia portion as a selected multimedia portion based on said at least one multimedia command, and

wherein said at least said first telephony platform outputs said selected multimedia portion to said access device.

3. The apparatus as claimed in claim 2, wherein said predetermined multimedia information comprises at least one of music information and video information.

4. The apparatus as claimed in claim 3, wherein said predetermined multimedia information comprises a first music track group, and

wherein said first multimedia portion contains a first music track of said first music track group and said second multimedia portion contains a second music track of said first music track group.

5. The apparatus as claimed in claim 4, wherein said first storage location comprises a first mailbox and said second storage location comprises a second mailbox,

wherein said at least one multimedia command comprises a plurality of menu navigation inputs,

wherein said menu navigation inputs correspond to responses to said musical criteria options, and

wherein said at least said first telephony platform determines that said user desires to access said first music track stored in said first mailbox based on said menu navigation inputs.

6. The apparatus as claimed in claim 5, wherein said menu navigation inputs comprise at least one input from the group of artist name of said first music track, album name containing said first music track, and type of music of said first music track.

7. The apparatus as claimed in claim 4, wherein said first music track group corresponds to an album, and

wherein said first music track and said second music track correspond to music tracks on said album.

8. The apparatus as claimed in claim 2, wherein said at least one multimedia command comprises a purchasing command, and

wherein said user can purchase said selected multimedia portion by inputting said purchasing command.

9. The apparatus as claimed in claim 8, wherein said purchasing command instructs said at least said first telephony platform to have a copy of at least said selected multimedia portion mailed to a postal address of said user.

10. The apparatus as claimed in claim 8, wherein said purchasing command instructs said at least said first telephony platform to have a copy of at least said selected multimedia portion downloaded to a computer network address of said user.

11. The apparatus as claimed in claim 7, wherein said at least one multimedia command comprises a purchasing command, and

wherein said user can purchase said album by inputting said purchasing command.

12. The apparatus as claimed in claim 11, wherein said purchasing command instructs said at least said first telephony platform to have a copy of said album mailed to a postal address of said user.

13. The apparatus as claimed in claim 11, wherein said purchasing command instructs said at least said first telephony platform to have a copy of said album downloaded to a computer network address of said user.

14. The apparatus as claimed in claim 4, wherein said at least one multimedia command comprises a save command,

wherein said first music track corresponds to said selected multimedia portion,

wherein, after selecting said first music track, said user saves first data corresponding to said first music track in a user memory portion coupled to said at least said first telephony platform by inputting said save command, and

wherein said user memory portion is assigned to said user.

15. The apparatus as claimed in claim 14, wherein said first data is music data of said first music track.

16. The apparatus as claimed in claim 14, wherein said first data is pointer data that identifies said first storage location containing said first music track.

17. The apparatus as claimed in claim 14, wherein said predetermined multimedia information comprises an additional music track,

wherein said user saves additional data corresponding to said additional music track in said user memory portion after selecting said additional music track by inputting an additional save command via said access device, and

wherein said first music track and said additional music track correspond to at least some saved tracks.

18. The apparatus as claimed in claim 17, wherein said at least one multimedia command comprises a purchasing command, and

wherein said user can purchase a customized album containing said saved tracks by inputting said purchasing command.

19. The apparatus as claimed in claim 18, wherein said purchasing command instructs said at least said first telephony platform to have a copy of said customized album mailed to a postal address of said user or downloaded to a computer network address of said user.

20. The apparatus as claimed in claim 17, wherein said at least one multimedia command comprises a radio playback command, and

wherein said at least said first telephony platform sequentially outputs said saved tracks to said access device in response to said radio playback command.

21. The apparatus as claimed in claim 2, wherein said at least one multimedia command comprises a forwarding command, and

wherein said at least said first telephony platform forwards said selected multimedia portion to a second access device of a second user in response to said forwarding command.

22. The apparatus as claimed in claim 21, wherein said second user is part of a distribution list of a plurality of recipient users, and

wherein said distribution list has been created by said user and stored in said at least said first telephony platform prior to inputting said forwarding command.

23. The apparatus as claimed in claim 2, wherein said at least one multimedia command comprises a forwarding command, and

wherein said at least said first telephony platform forwards said selected multimedia portion to a storage location corresponding to a second access device of a second user in response to said forwarding command.

24. The apparatus as claimed in claim 23, wherein said second user is part of a distribution list of a plurality of recipient users, and

wherein said distribution list has been created by said user and stored in said at least said first telephony platform prior to inputting said forwarding command.

25. The apparatus as claimed in claim 2, wherein said at least one multimedia command comprises an information command, and

wherein said at least said first telephony platform outputs an information message to said access device containing additional information relating to said selected multimedia portion.

26. The apparatus as claimed in claim 2, wherein said at least one multimedia access command comprises a multiple user session command, and

wherein said at least said first telephony platform connects said access device of said user with access devices of other users who are interested in topics relating to said selected multimedia portion so that said user and said other users can communicate in a multiple user session.

27. The apparatus as claimed in claim 26, wherein said multiple user session corresponds to a telephone party line.

28. The apparatus as claimed in claim 26, wherein said multiple user session corresponds to a chat room.

29-56. (canceled).

57. The apparatus as claimed in claim 1, wherein said first telephony platform includes:  
means for managing;  
means for storing messages;  
means for converting a telephone signal into a message suitable for the telephony platform; and  
means for generating control signals for the telephony platform.

58. The apparatus as claimed in claim 57, further including a high-speed backbone that interconnects the means for managing, the means for storing messages, the means for converting and the means for generating control signals.

59. An apparatus for storing predetermined multimedia information, comprising:  
first telephony platform means for receiving a command from a user's wireless access device for generating a menu containing criteria options relating to at least one of a music track and a video track so that the user can select an option pertaining to said at least one of a music track and a video track; and

a first storage location coupled to said first telephony platform, wherein said first storage location stores information pertaining to said at least one of a music track and a video track.

60. An apparatus for storing predetermined multimedia information, comprising:  
at least a first telephony platform for receiving a purchasing command from a user initiated telephone call and for generating a menu containing musical criteria options relating to music tracks so that a user can listen to at least a portion of a selected music track through the telephone and purchase music information corresponding to the selected music track; and

a first storage location coupled to said first telephony platform, wherein said first storage location stores information pertaining to said music track.

61. The apparatus as claimed in claim 1, wherein said access device is a telephone.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
Appln. No.: 09/648,532

Attorney Docket No.: Q59406

**EVIDENCE APPENDIX:**

None.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
Appln. No.: 09/648,532

Attorney Docket No.: Q59406

**RELATED PROCEEDINGS APPENDIX**

None